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USDOC FOR 532/OEA/M. NICKSON-DORSEY/JAY HATFIELD
USDOC FOR 3131/USFCS/OIO/ANESA/KREISSL
USDOC FOR 4530/MAC/ANESA/OSA
ICE HQ FOR STRATEGIC INVESTIGATIONS
STATE FOR EB/ESP

E.O. 12958: N/A

TAGS: ETTC ETRD BEXP IN

SUBJECT: EXTRANCHECK: PRE-LICENSE CHECK: BHABHA ATOMIC RESEARCH CENTER, MUMBAI, LICENSE NO. D364271

REF: USDOC 07246

¶1. Unauthorized disclosure of the information provided below is prohibited by Section 12(c) of the Export Administration Act.

¶2. BIS requested a Pre-license Check (PLC) at Bhabha Atomic Research Centre (BARC), Indian Department of Atomic Energy, website: www.barc.ernet.in. BARC was listed as the Ultimate Consignee and Horiba Jobin Yvon SAS, Z.I., France as the Foreign Purchaser and Intermediate Consignee for one Model Fluoromax Spectrofluorometer controlled under ECCN 3A999. The license applicant was Horiba Jobin Yvon (Horiba), Edison, NJ. In December 2006, BIS New Delhi closed this PLC with a finding of unfavorable (cable: NEW DELHI 08185).

¶3. On August 10, 2007, ECO sent a formal request to Under Secretary Prashant Agrawal (Agrawal), GOI Ministry of External Affairs (MEA) to arrange subject PLC at BARC.

On August 16, 2007, Agrawal emailed ECO requesting clarification of this re-issued PLC stating that in October 2006, he had advised ECO Michael Rufe that the order had been cancelled by BARC. On August 21, 2007, ECO asked MEA to confirm that BARC cancelled this order and then provide this confirmation to ECO in writing. On September 7, 2007, FSN Narayan emailed MEA requesting an update on the status of this check. On September 8, 2007, Agrawal commenced an academic sabbatical and was replaced by Under Secretary Randhir Jaiswal.

¶4. On September 21, 2007, FSN Narayan called Jaiswal to follow up on this PLC. Jaiswal stated that BARC had cancelled the order placed with Horiba Jobin Yvon SAS, France. Narayan requested this information in written form. Jaiswal immediately responded via email.

¶5. Jaiswal's email: "This is to confirm that Purchase Order No-DPS/04/IEE/18493/PO/178766/FE dated 20.07.2006 placed on M/S Horiba Jobin Yvon SAS, France for supply of Compact Spectronfluorometer to BARC has been cancelled. As such the PLC in regard to the above also stands cancelled."

¶6. Recommendation: Based upon the MEA email stating that BARC had cancelled the order placed with Horiba Jobin Yvon SAS, France, this case is closed. The Pre-license Check remains unfavorable.

WHITE